

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1, 4-14, 17, 19-25, and 27 will be pending. By this amendment, claims 2, 3, 15, 16, 18, 26, and 28 have been canceled; and claims 1, 4, 5, 14, 17, 19, 25, and 27 have been amended. No new matter has been added.

#### Claim Objections

In Section 2 of the Office Action, claim 1 objected to. The preamble of claim 1 has been amended to recite “computer-implemented method ...”.

#### §103 Rejection of Claims 1-2, 6-7, 14-15, 20-21, and 23-28

In Section 4 of the Office Action, claims 1-2, 6-7, 14-15, 20-21, and 23-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Novak (U.S. Publication No. US2002/0104099 A1) in view of Ellis *et al.* (U.S. Patent 6,774,926 B1; hereinafter referred to as “Ellis”).

In the Background section of the Specification, it was indicated that “[s]haring pictures and video among people is often a popular form of entertainment. With the growing popularity of the Internet, sending images across the Internet has also become more popular. ... Recently, mobile devices such as cellular phones and PDA’s (Personal Digital Assistants) include media capture devices such as cameras and microphones. In addition, some devices have data network capability. Accordingly, it is desirable to provide users of these mobile devices with a

convenient and enjoyable environment for sharing images and audio across networks.”

*Background of the Specification, page 1, lines 18-28.*

Thus, to address the need for a convenient and enjoyable environment for sharing images and audio across networks, embodiments of the present invention provide method, device, system, and medium for conveniently publishing media data. For example, claim 1 recites:

A computer-implemented method of publishing media data,  
comprising:

*accessing* a media interface of a media device;

*capturing* media data using a media capture component of said  
media device;

*storing* said captured media data in a media file in storage of said  
media device;

*modifying* said captured media data; and

*publishing* said modified media data to a network server;

*wherein* said capturing, modifying, and publishing are performed  
using an instant publish command of a media interface, which  
is accessed through a single operation of said media device.

(emphasis added)

Accordingly, in one aspect of claim 1, the computer-implemented method of publishing media data includes at least capturing media data, modifying the captured media data, and publishing the modified media data using an instant publish command of a media interface, which is accessed through a single operation of the media device. For this aspect, the Specification teaches that “the PDA provides ‘one-click publishing’ for a user. The user initially configures the PDA with settings for edits, user metadata, and automatic metadata to be added to captured media data. The user also selects a publishing recipient and any desired publishing rules provided by the selected publishing service. Alternatively, some or all of these

selections and configurations are set by the manufacturer or service provider. The media publishing interface is accessed through a single command, such as a publish button. When the user presses the publish button, the PDA captures an image as media data, prepares the captured media data by performing any modifications and attaching any metadata indicated by the PDA's configuration, and publishes the prepared media data to the selected publishing server. In this way, the user can add media data with desired metadata to a publishing server with a single user action – with ‘one click.’” *Specification, page 5, line 21 to page 6, line 4* (emphasis added).

By contrast, the Office Action states in Section 5 that “Novak and Ellis teach all the claimed subject matters as discussed in claim 2, except for explicitly disclosing said instant publish command is accessed through a single operation of said media device.” *Office Action of August 16, 2005, page 5, lines 10-12*. Further, although the Office Action (on page 5, lines 12-13) also states that “Pineau teaches said instant publish command is accessed through a single operation of said media device (Pineau, page 3, [0031])”, Pineau fails to teach or suggest capturing media data, modifying the captured media data, and publishing the modified media data using an instant publish command of a media interface, which is accessed through a single operation of the media device.

Pineau merely allows the user to “initiate uploading of the content 104 to the content server 118 using a single action.” Pineau, paragraph [0031]. That is, Pineau fails to teach or suggest “captur[ing] an image as media data, prepar[ing] the captured media data by performing any modifications and attaching any metadata indicated by the ... configuration, and publish[ing] the prepared media data to the selected publishing server ... when the user presses the publish button”. Therefore, Pineau did not contemplate allowing the user to initially configure the media device such as PDA with settings for edits, user metadata, and automatic metadata to be added to

captured media data to provide 'one-click publishing' for a user. Accordingly, Novak, Ellis, and Pineau, individually or in combination, fail to disclose all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Novak, Ellis, and Pineau. Further, since independent claims 14, 25, and 27 closely parallel, and recite substantially similar limitations as recited in, independent claim 1, claims 14, 25, and 27 should also be allowable over Novak, Ellis, and Pineau. Since claims 6-13, 20-21, 23-24 depend from one of claims 1 and 14, claims 6-13, 20-21, 23-24 should also be allowable over Novak, Ellis, and Pineau. Claims 2, 15, 26, and 28 have been canceled.

Accordingly, it is submitted that the rejection of claims 1-2, 6-7, 14-15, 20-21, and 23-28 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 3-5, and 16-19

In Section 5 of the Office Action, claims 3-5 and 16-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Ellis and further in view of Pineau (U.S. Publication No. US2003/0184793 A1).

Based on the foregoing discussion regarding Novak, Ellis, and Pineau, claims 4-5, 17, and 19 should be allowable over Novak, Ellis, and Pineau. Claims 3, 16, and 18 have been canceled.

Accordingly, it is submitted that the rejection of claims 3-5 and 16-19 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 8-12 and 22

In Section 6 of the Office Action, claims 8-12 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Ellis and further in view of Toyama *et al.* (U.S. Publication No. US 2004/0070678 A1; hereinafter referred to as “Toyama”).

Based on the foregoing discussion regarding claims 1 and 14, and since claims 8-12 and 22 depend from claims 1 and 14, respectively, claims 8-12 and 22 should be allowable over Novak and Ellis. Toyama was merely cited for teaching “said modifying includes adding metadata to said captured media data (Toyama, page 3, [0022]).” *Section 6 of the Office Action.* Therefore, Novak, Ellis, and Toyama, individually or in combination, fail to disclose all the limitations of claims 8-12 and 22.

Accordingly, it is submitted that the rejection of claims 8-12 and 22 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 13

In Section 7 of the Office Action, claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Ellis and Toyama, and further in view of Fernandez (U.S. Publication No. US 2004/0260669 A1).

Based on the foregoing discussion regarding claim 1, and since claim 13 depends from claim 1, claim 13 should be allowable over Novak, Ellis, and Toyama. Fernandez was merely cited for teaching “said automatic metadata includes biometric information for the user of said mobile device (Fernandez, page 1, [0018]).” *Section 7 of the Office Action.* Therefore, Novak, Ellis, Toyama, and Fernandez, individually or in combination, fail to disclose all the limitations

of claim 13.

Accordingly, it is submitted that the rejection of claim 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

### Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1, 4-14, 17, 19-25, and 27 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as Originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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